

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA :

- v. - :

JESUS WILFREDO ENCARNACION, :
a/k/a "Jihadistsoldgier," :
a/k/a "Jihadinhear," :
a/k/a "Jihadinheart," :
a/k/a "Lionofthegood," :

Defendant. :

- - - - - x

INDICTMENT

19 Cr. DATE FILED FEB 21 2019

19 CRIM 118

COUNT ONE

(Attempted Provision of Material Support and Resources to a
Designated Foreign Terrorist Organization)

The Grand Jury charges:

1. From at least in or about November 2018, up to and including February 7, 2019, in the Southern District of New York and elsewhere, JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, knowingly and intentionally attempted to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, personnel (including himself) and services, to a foreign terrorist organization, to wit, Lashkar e-Tayyiba ("LeT"), which at all relevant times was designated by the Secretary of State as a foreign terrorist organization, pursuant

JUDGE ABRAMS

to Section 219 of the Immigration and Nationality Act ("INA"), and is currently designated as such as of the date of the filing of this Indictment, knowing that LeT was a designated terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that LeT engages and has engaged in terrorist activity (as defined in Section 212(a)(3)(B) of the INA), and that LeT engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act ("FRAA"), Fiscal Years 1988 and 1989).

(Title 18, United States Code, Sections 2339B and 2.)

COUNT TWO

(Conspiracy to Provide Material Support and Resources to a Designated Foreign Terrorist Organization)

The Grand Jury further charges:

2. From at least in or about November 2018, up to and including February 7, 2019, in the Southern District of New York and elsewhere, JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, and others known and unknown, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), to a foreign terrorist organization, to wit, LeT, which at all relevant times was

designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the INA, and is currently designated as such as of the date of the filing of this Indictment.

3. It was a part and an object of the conspiracy that JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, and others known and unknown, would provide LeT with material support and resources, namely personnel (including ENCARNACION) and services, knowing that LeT was a designated terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that LeT engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the INA), and that LeT engages and has engaged in terrorism (as defined in section 140(d)(2) of the FRAA), in violation of Title 18, United States Code, Section 2339B.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal object thereof, JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, and his co-conspirators, committed the overt acts set forth below, among others:

a. In or about November 2018, ENCARNACION communicated with a co-conspirator located in another district in the United States, who is not named as a defendant herein ("CC-1"), about ENCARNACION's desire to fight on behalf of terrorist organizations located outside the United States.

b. In or about November 2018, CC-1 directed ENCARNACION to contact an individual with whom CC-1 had previously communicated, who was in fact and unbeknownst to CC-1, an FBI undercover employee ("UC-1"). CC-1 indicated that UC-1 would be able to help ENCARNACION travel to Pakistan to join LeT and receive training to commit terrorist acts on behalf of LeT.

c. Between in or about November 2018 and February 7, 2019, while located in the Southern District of New York and elsewhere, ENCARNACION communicated with UC-1 to arrange travel to Pakistan to join LeT.

d. On or about November 9, 2018, while located in the Southern District of New York, ENCARNACION wrote to UC-1, "you guys are against India. I read up on ya. You are beefing with India over Muslim land. . . . I fucking hate Hindus. . . . They can go to hell and I'm going to help you."

e. On or about November 10, 2018, ENCARNACION wrote to UC-1, "Will I live in Pakistan. I want to fight. . . . I want to execute. I want to behead."

f. On or about February 7, 2019, ENCARNACION attempted to board an international flight leaving New York City in order to travel to Pakistan to join LeT.

(Title 18, United States Code, Section 2339B.)

FORFEITURE ALLEGATION

5. As a result of planning and perpetrating Federal crimes of terrorism against the United States, as defined in Title 18, United States Code, Section 2332b(g)(5), as alleged in Counts One and Two of this Indictment, JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461(c), any and all assets, foreign and domestic, of the defendant; any and all assets, foreign and domestic, affording the defendant a source of influence over any entity or organization engaged in planning or perpetrating said offenses; any and all assets, foreign and domestic, acquired or maintained with the intent and for the purpose of supporting, planning, conducting or concealing said offenses; any and all assets, foreign and domestic, derived from, involved in, or used or intended to be used to commit said offenses, including but not limited to a sum of money in United States currency representing the total amount of the defendant's assets.

Substitute Assets Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

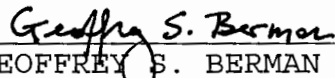
e. has been commingled with other property which cannot be subdivided without difficulty,
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property

of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



FOREPERSON



GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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a/k/a "Jihadistsoldgier," "Jihadinhear,"
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Defendant.


INDICTMENT

19 Cr.

(18 U.S.C. §§ 2339B & 2)

GEOFFREY S. BERMAN
United States Attorney.

A TRUE BILL


Foreperson.

2/21/19

Filed Indictment.
Filed True Bill.

Case assigned to Judge Abrams.
- Wang, USMJ